



**COMMISSIONER**  
James R. Hine

February 26, 2003

**To:** All Licensed Home and Community Support Services and Agencies (HCSSAs)

**Re:** Provider Letter #03-09 - Health and Safety Code, §142.0062, Relating to Possession of Certain Vaccines or Tuberculin

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A change in the Home Health Conditions of Participation (CoP) was published in the October 2, 2002 Federal Register. Code of Federal Regulations, Title 42, 484.18, Condition of Participation: Acceptance of patients, plan of care, and medical supervision was amended as follows:

"484.18(c), Standard: Conformance with physician orders. Drugs and treatments are administered by agency staff only as ordered by the physician with the exception of influenza and pneumoccal polysaccharide vaccines, which may be administered per agency policy developed in consultation with a physician, and after an assessment for contraindications."

This change is designed to ease the requirements for administration of influenza and pneumoccal vaccines for patients under care by home health and community support agencies (HCSSAs), hospitals, and skilled nursing facilities. However, Health and Safety Code, §142.0062, Possession of Certain Vaccines or Tuberculin, limits the vaccines a HCSSA can purchase, store, or transport for the purpose of administering to the agency's employees, home health or hospice patients, or patient family members under physician's standing orders to the following: (1) hepatitis B vaccine; (2) influenza vaccine; and (3) tuberculin purified protein derivative for tuberculosis testing. Therefore, since an agency is prohibited by statute from purchasing, storing, or transporting pneumoccal vaccine, the federal standard, 484.18(c), relating to pneumoccal polysaccharide vaccine will not apply.

Effective October 2, 2002, agencies are permitted to remind patients when it is time for an annual vaccination or booster for the permitted vaccines and ask if they want to receive the shot based on "standing orders" for the vaccines. This means that agencies do not need to obtain special orders from a patient's physician on the plan of care in order to administer the vaccine.

Sincerely,

[signature on file]

Marc Gold  
Director  
Long Term Care Policy

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